

Appeal of Denial of Service Delivery Deadline Extension request  
for Funding Year 2016 471 #161044673

Billed Entity Name: MSD Mount Vernon  
Billed Entity Number: 130698  
471 Number: 161044673  
FRNs: 1699099814, 1699099887, 1699108527, 1699108537

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TEXT OF DECISION WE ARE APPEALING:

(from RFCDL column titled "Post-Commitment Rationale (FRN Level)"

Current deadline guidelines and procedures do not allow approval for the reason submitted.

We are appealing the denial of the request for a service delivery extension for these FRNs because the post-commitment rationale does not match guidance on the USAC website.

BACKGROUND

The MSD Mount Vernon (MSDMV) planned a full network upgrade for their five instructional buildings for the 2016.19 funding year. The work was divided into three sections at each building and the competitive bidding process selected two vendors for the work. The original intent was that work would begin as soon as classes ended in these schools (June 2016), but budget constraints required that E-Rate funding be approved prior to work beginning. The funding approval was not received until October 24, 2016 which meant that both service providers had lost five months of uninterrupted work. Work hours during the school year were restricted to after classes end for the day to avoid impacting student learning. This restricted service providers' efforts to make up the lost time and meet the original service delivery deadline of September 30, 2017. They were also impeded by resource allocation issues. Because the work for MSDMV did not begin in June 2016 as planned the service providers had to delay equipment delivery and release installation crews to other project that did begin on time. Once notice to proceed was received, both service providers worked diligently to reallocate those resources. Of the twelve FRNs approved for FY 2016-2017, the service providers were able to complete the work under eight FRNs, but the late

start, which lead directly to restricted work hours, kept the service providers from matching the pace originally planned for unrestricted summer work and the four FRNs covered by this appeal were not completed by the original September 30, 2017 service delivery deadline.

## ANALYSIS

The USAC website provided the following guidance regarding service delivery...

In general, non-recurring services must be delivered and installed between July 1 of the relevant funding year and September 30, following the June 30 close of that funding year (i.e., 15 months after the beginning of the funding year). However, certain recipients have received or may receive extensions of the deadline for delivery and installation of non-recurring services. Such extensions can occur for various reasons, including:

- A Funding Commitment Decision Letter (FCDL) is issued by USAC on or after March 1 of the funding year for which support is authorized.
- Operational SPIN changes or service substitutions are approved by USAC on or after March 1 of the funding year. SPIN is also known as the [service provider's 498 ID](#).
- The applicant or service provider requested an extension because the service provider was unable to complete delivery and installation for reasons beyond the service provider's control.
- The applicant or service provider requested an extension because the service provider has been unwilling to complete delivery and installation after USAC withheld payment for those services on a properly-submitted invoice for more than 60 days after submission of the invoice.

USAC will automatically extend the service delivery deadline in situations where the first two criteria are met. Recipients of non-recurring services that fall under the third and fourth criteria must file an FCC Form 500 on or before the last date to receive service (generally September 30 following the close of the funding year) to request an extension of the service delivery deadline.

Work covered by the FRNS included in this appeal was delayed by the lack of a FCDL during the first summer of the funding year. Approval of the funding is a critical factor that is clearly beyond a service provider's control, meeting bullet point three. The Form 500 (attached) requesting the extension of the service delivery date was filed on September 15, 2017, fulfilling the requirement that it be filed on or before the last date to receive service, as detailed in the final paragraph of the guidance.

It is important to note that a service delivery deadline extension would have automatically been issued had the FCDL been issued after March 1, 2017 demonstrating that lack of funding approval is an issue that adversely affects the schedule of some projects. What this policy does not address is the fact that for some complex projects

delays of less than the nine months assumed in the first bullet can still make it impossible to recover scheduling delays.

#### ACTION REQUESTED

We have demonstrated that there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements in our request that the service delivery deadline be extended for the FRNs listed. We have demonstrated that the request fits the requirement that it be predicated on reasons beyond the service providers' control. We filed the original request within the timeline required. We request that this service delivery extension be granted, and that Invoice Deadlines be extended to match the new service delivery deadlines.

Attachments:

RFCDL

Form 500 #67816

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# SDE appeal - #90628



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## Appeal Information

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**Funding Year** 2016

**Submitting Organization** [M S D MOUNT VERNON \(BEN: 130698\)](#)

**Created By** Darsey Carnal

**Created On** 2/27/2018 10:51 AM EST

## Main Contact

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## Narrative

See detailed appeal in attached "USAC appeal of Deadline extension denial"

## Appeal Details

**Decision appealed by applicant** Revised Funding Commitment Decision Letter

If you wish to modify or cancel your appeal, or, if you have any questions about your appeal, please contact the E-rate Program's Client Service Bureau (CSB) at (888) 203-8100.

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